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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,982	08/21/2001	Todd Lagimonier	003636.0115	6823

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EXAMINER

PYZOCHA, MICHAEL J

ART UNIT PAPER NUMBER

2137

DATE MAILED: 11/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/932,982

Applicant(s)

LAGIMONIER ET AL.

Examiner

Michael Pyzocha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-43 are pending.
2. Amendment filed 10/05/2006 has been received and considered.

5

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

10 A person shall be entitled to a patent unless -

 (e) the invention was described in (1) an application for patent, published
 under section 122(b), by another filed in the United States before the
 invention by the applicant for patent or (2) a patent granted on an
15 application for patent by another filed in the United States before the
 invention by the applicant for patent, except that an international
 application filed under the treaty defined in section 351(a) shall have the
 effects for purposes of this subsection of an application filed in the
 United States only if the international application designated the United
20 States and was published under Article 21(2) of such treaty in the English
 language.

4. Claims 1-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Milliken (US 6978384).

 As per claims 1, 10, 19, 28, and 36, Milliken discloses
25 determining a largest nonce value yet seen from a plurality of
 nonce values of out-of-order messages (see column 3 line 50
 through column 4 line 8; Figure 5 and column 8 lines 12-27);
 comparing a nonce value of a received message with said largest
 nonce value yet seen (see column 3 line 50 through column 4 line
30 8 and column 8 lines 62-67); comparing said nonce value to an

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acceptance window in response to said nonce value not exceeding said largest nonce value yet seen (see column 3 line 50 through column 4 line 8 and column 9 lines 31-53); adjusting a range of acceptable nonce values within said acceptance window based on

5 said largest nonce value yet seen (see column 3 line 50 through column 4 line 8 and column 9 lines 1-30); rejecting said received message in response to said nonce value falling outside said acceptance window (see column 3 line 50 through column 4 line 8 and column 9 lines 31-53); in a secure peer to peer

10 communication (see figure 1).

As per claims 2, 3, 11, 13, 20, 21, 29, and 37, Milliken discloses designating said nonce value as said largest nonce value yet seen in response to said nonce value exceeding said

15 largest nonce value yet seen (see column 3 line 50 through column 4 line 8 and column 9 lines 1-30).

As per claims 4, 12, 22, 30, and 38, Milliken discloses adjusting an acceptance window based on said nonce value

20 exceeding said largest nonce value yet seen (see column 3 line 50 through column 4 line 8 and column 9 lines 1-30).

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As per claims 5, 7, 14, 16, 23, 25, 32, 34, 40, and 42, Milliken discloses designating said received message as a replay attack (see column 3 line 50 through column 4 line 8).

5 As per claims 6, 8, 15, 17, 24, 26, 33, and 41, Milliken discloses comparing said nonce value to a window mask value in response to said nonce value falling within said acceptance window (see column 3 line 50 through column 4 line 8 and column 9 lines 1-53); rejecting said received message in response to an
10 outcome of said comparison of said nonce value to said window mask value being true (see column 3 line 50 through column 4 line 8 and column 9 lines 1-53).

As per claims 9, 18, and 27, Milliken discloses designating
15 said nonce value as a large nonce value seen (see column 3 line 50 through column 4 line 8 and column 9 lines 1-30).

As per claims 31 and 39, Milliken discloses said secure communication module is further configured to reject said
20 received packet in response to said nonce value falling outside said filter (see column 3 line 50 through column 4 line 8 and column 9 lines 1-53).

As per claims 35 and 43, Milliken discloses said secure communication module is further configured to reject said received packet in response to said nonce value fails to fall within said filter and said secure communication module is further configured to designate said received packet as part of a replay attack (see column 3 line 50 through column 4 line 8 and column 9 lines 1-53).

Response to Arguments

5. Applicant's arguments with respect to claims 1-43 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened

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statutory period, then the shortened statutory period will
expire on the date the advisory action is mailed, and any
extension fee pursuant to 37 CFR 1.136(a) will be calculated
from the mailing date of the advisory action. In no event,
5 however, will the statutory period for reply expire later than
SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier
communications from the examiner should be directed to Michael
Pyzocha whose telephone number is (571) 272-3875. The examiner
10 can normally be reached on 7:00am - 4:30pm first Fridays of the
bi-week off.

If attempts to reach the examiner by telephone are
unsuccessful, the examiner's supervisor, Emmanuel Moise can be
reached on (571) 272-3865. The fax phone number for the
15 organization where this application or proceeding is assigned is
571-273-8300..

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

15 MJP


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER